

Exhibit A

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. 01 CR 567-2
)	
FRANK RODRIGUEZ,)	Chicago, Illinois
)	April 25, 2002
Defendant.)	1:30 o'clock p.m.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JAMES F. HOLDERMAN

APPEARANCES:

For the Plaintiff:	HON. PATRICK J. FITZGERALD United States Attorney 219 South Dearborn Street Chicago, Illinois 60604 (312) 353-6117 BY: MR. CHRISTOPHER D. NIEWOEHNER MR. ERIC H. SUSSMAN
For the Defendant:	VILLALOBOS & ASSOCIATES BY: MR. RAUL VILLALOBOS 1620 West 18th Street Chicago, Illinois 60608 (312) 666-9982

COLLEEN M. CONWAY, CSR, CRR
219 South Dearborn Street
Room 2144-A
Chicago, Illinois 60604
(312) 435-5594

1 (Proceedings in open court.)

2 THE CLERK: 01 CR 567, United States versus Rodriguez.

3 MR. NIEWOEHNER: Good afternoon, your Honor.

4 Chris Niewoehner on behalf of the government.

5 MR. SUSSMAN: Eric Sussman on behalf of the government,
6 your Honor. Good afternoon.

7 THE COURT: Good afternoon.

8 MR. VILLALOBOS: Good afternoon, Judge.

9 Attorney Raul Villalobos on behalf of Mr. Rodriguez.

10 THE COURT: Good afternoon.

11 Good afternoon, Mr. Rodriguez.

12 THE DEFENDANT: Good afternoon.

13 THE COURT: I see there's another individual standing
14 behind defense counsel.

15 Could you identify yourself, sir.

16 MR. RODRIGUEZ: Yes. I'm the father of Frank.

17 THE COURT: You're Frank's --

18 MR. RODRIGUEZ: Yeah.

19 THE COURT: -- father?

20 MR. RODRIGUEZ: Yes, right.

21 THE COURT: Yes. We actually had met before when we
22 released Frank the one time when you put up the bond for him --

23 MR. RODRIGUEZ: Yes, I did.

24 THE COURT: -- and said that you would keep him under
25 your wing, basically.

1 MR. RODRIGUEZ: I was, but, excuse me, it was
2 misstated. I -- that he was out on the time, but was emergency.
3 So that time when he come back here, I don't have his -- to
4 explain to you what I --

5 THE COURT: Mr. Rodriguez, I wouldn't go any further,
6 because your son has already admitted that he was out at 3:00
7 a.m. in the morning, and that was in violation of the bond that
8 I had issued, and so that's why we had to lock him up. I can't
9 trust him anymore to follow the conditions of bond, all right?

10 MR. RODRIGUEZ: But it was emergency, your Honor. I
11 tried to bring some paper for the emergency that we have.

12 THE COURT: Thank you.

13 Anything further? Are we ready to proceed to trial as
14 scheduled?

15 MR. VILLALOBOS: Judge, that's -- we had anticipated
16 this may be as a -- because the last day for a possible plea
17 would be the 29th, which is Monday.

18 THE COURT: Yes.

19 MR. VILLALOBOS: Counsel and I motioned it up today.
20 However, I thought I should bring it to the Court's attention I
21 have been trying to sit down with my client and go over his
22 defense, and we are having a major problem in that we cannot
23 communicate.

24 THE COURT: Well, why can't you communicate?

25 MR. VILLALOBOS: Because of his -- I think there's

1 questions about that he may need an exam, a psychological
2 examination.

3 THE COURT: File a motion and I'll consider it. I see
4 no motion in front of me.

5 MR. VILLALOBOS: Right. The last incident happened
6 yesterday where --

7 THE COURT: Well, file a motion. You say the last
8 incident happened yesterday.

9 MR. VILLALOBOS: Correct.

10 THE COURT: Apparently, the first incident happened
11 some time before that.

12 MR. VILLALOBOS: Yes, this Sunday. And --

13 THE COURT: File a motion, sir.

14 MR. VILLALOBOS: Okay.

15 THE COURT: We are set for trial, and I intend to take
16 the case to trial as scheduled.

17 Anything else we need to take up today?

18 THE DEFENDANT: Oh, yeah.

19 THE COURT: Yes, Mr. Rodriguez.

20 THE DEFENDANT: Yeah, my plea for the change of my plea
21 was the 29th, but like I spoke to my attorney about, that was --
22 the main reason was there's supposed to be some plea
23 negotiations, and --

24 THE COURT: Yes.

25 THE DEFENDANT: -- what happened was, according to my

1 attorney, he said they pulled me from a different county jail to
2 negotiate some type of plea, but I was never given any plea to
3 negotiate. That's why --

4 THE COURT: Well, has the government been willing to
5 negotiate a plea for Mr. Rodriguez in this case?

6 MR. NIEWOEHNER: Your Honor, we're not interested in
7 working on a cooperation deal with Mr. Rodriguez at this time.

8 THE COURT: Well, are you willing to -- that wasn't my
9 question.

10 MR. NIEWOEHNER: I apologize. Your Honor, we --

11 THE COURT: My question was: Are you willing to enter
12 into a plea agreement with Mr. Rodriguez?

13 MR. NIEWOEHNER: Yes, your Honor, we are willing to do
14 so.

15 THE COURT: Well, since Mr. Rodriguez is here, his
16 lawyer is here, you're here, why don't you see if you could work
17 something out.

18 I can't be any more involved in plea negotiations other
19 than to encourage them. I encourage you to work something out.
20 Apparently, Mr. Rodriguez would like to examine whatever plea
21 agreement would be worked out. It's either acceptable or it's
22 not.

23 You have until the 29th of April, and, like I said, if
24 we can't resolve this case in any other way, we're set for trial
25 on the dates previously set.

1 MR. SUSSMAN: Thank you, your Honor.

2 MR. NIEWOEHNER: Yes, your Honor.

3 THE COURT: Thank you.

4 MR. RODRIGUEZ: Excuse me. Can I say something to my
5 son, please?

6 THE COURT: That's up to the United States marshals.
7 Thank you.

8 (Proceedings concluded.)

9 C E R T I F I C A T E

10

11 I, Colleen M. Conway, do hereby certify that the
12 foregoing is a complete, true, and accurate transcript of the
13 proceedings had in the above-entitled case before the Honorable
14 JAMES F. HOLDERMAN, one of the judges of said Court, at Chicago,
15 Illinois, on April 25, 2002.

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Official Court Reporter
United States District Court
Northern District of Illinois
Eastern Division

6/6/02
Date